

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1069.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF CONDENSED MILK.

On May 24, 1911, the United States Attorney for the Eastern District of Missouri, acting upon the report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of ten barrels of condensed milk in the possession of the Chouteau Avenue Crystal Ice and Cold Storage Plant, a branch of the St. Louis Brewing Association, a corporation. The barrels containing said milk were labeled as follows: "From White Hall Condensed Milk Co. White Hall, Ill. For Chouteau Ave. Cold Stg. Co., 2100 Chouteau Ave., St. Louis, Mo. Sugar Condensed Milk."

Analysis of a sample from said consignment by the Bureau of Chemistry, United States Department of Agriculture, showed the product to contain fat 2.48 per cent, proteids 9.62 per cent, lactose 15.65 per cent, solids 64.45 per cent, ash 2.55 per cent, sucrose 34.15 per cent. The libel alleged that said milk, after transportation from Iowa into the State of Missouri, remained in the original unbroken packages, and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and liable, therefore, to seizure for confiscation. Adulteration was alleged for the reason that a valuable constituent of the article, to wit, butter fat, had been in part abstracted from said product; and misbranding was alleged for the reason that the statement on said label, to wit, "Sugar Condensed Milk," was false and misleading because the product was not sugar condensed milk, but a condensed skimmed milk with sugar added, as shown by the aforesaid analysis.

On June 2, 1911, the White Hall Condensed Milk Co., by J. C. Spencer, its agent and manager, filed a claim to said property and

entered its appearance asking that an order be made by the court for the release of said property to the claimant upon the payment of the costs of the proceedings and the execution and delivery of a bond as provided by the aforesaid act; and the libelant and claimant consented to an adjudication and decree by the court. Accordingly, the court found the said product to contain evaporated skimmed milk and to be, therefore, misbranded, as alleged in the libel, and on the said date entered a decree condemning and forfeiting said milk to the United States and ordering the marshal to correctly label the same and sell it at public auction upon such terms and conditions as will not violate the provisions of the aforesaid act; and the claimant to pay all costs of the proceedings; provided, however, that should the White Hall Condensed Milk Co., claimant, pay all costs of the proceeding and deliver unto the United States a bond in the sum of \$500 to be approved by the court, conditioned that the said milk shall not be sold or otherwise disposed of contrary to the provisions of said act, then the marshal should surrender and deliver the same to the said claimant.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *August 16, 1911.*

